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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,055	05/19/2000	Q.Z. Liu	99CON114P	2945
25700	7590	01/31/2005	EXAMINER	
FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691			LUU, CHUONG A	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/575,055

Applicant(s)

LIU ET AL.

Examiner

Chuong A. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on November 19, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### **Withdrawn**

The indicated allowability of claims 3-7 and 18-22 is withdrawn in view of the newly discovered reference(s) to Liu et al. (U.S. 6,271,127 B1) and Oku (U.S. 5,387,529). Rejections based on the newly cited reference(s) follow.

### ***Response to Arguments***

Applicant's arguments with respect to claims 28-31 have been considered but are moot in view of the new ground(s) of rejection.

## **PRIOR ART REJECTIONS**

### **Statutory Basis**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

### **The Rejections**

Claims 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al. (6,271,127 B1).

Liu discloses a method of fabricating a semiconductor device with

**(28)** covering a first area in a dielectric, said dielectric having a first dielectric constant;

exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises E-beams (see column 2, lines 45-59);

**(29)** covering a first area in a dielectric, said dielectric having a first dielectric constant;

exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises I-beam (see column 2, lines 45-59);

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**(30)** covering a first area in a dielectric, said dielectric having a first dielectric constant;

exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises an amine based chemical (see column 3, lines 24-35);

**(31)** covering a first area in a dielectric, said dielectric having a first dielectric constant;

exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises oxygen plasma (see column 3, lines 24-35).

Claims 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Oku (U.S. 5,387,529).

Oku discloses a method of fabricating a MESFET semiconductor device with

**(28)** covering a first area in a dielectric, said dielectric having a first dielectric constant;

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exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises E-beams (see column 3, lines 5-30);

(29) covering a first area in a dielectric, said dielectric having a first dielectric constant;

exposing a second area in said dielectric to a dielectric conversion source so as to increase said first dielectric constant of said dielectric in said second area to a second dielectric constant;

wherein said dielectric conversion source comprises I-beam (see column 3, lines 5-30).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong A. Luu whose telephone number is (571) 272-1902. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chuong Anh Luu  
Examiner  
January 26, 2005